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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/527,861

Applicant(s)

HENTSCHEL, CHRISTIAN

Examiner

Sheng-Jen Tsai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/16/05, 1/23/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-16 are presented for examination in this application (10,527,861) filed on March 16, 2005.

#### ***Objections -- Drawings***

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the details as described in the specification. There is no description for items 20, 30 and 40 of figure 1; there is no description for items 110, 120, 140, and 150 of figure 2; there is no description for items 110, 120, 130, 140, 150, 160 and 170 of figure 3; and there is no description for items 301, 302, 303, 304, 305 and 306 of figure 4. Further, two items are both labeled as 306 in figure 4.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6, 9-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kraft, IV et al. (US 6,091,414, hereinafter referred to as Kraft).

It is noted that, in the following claim analysis, those elements recited by the claims are presented using bold font.

As to claim 1, Kraft discloses a **method** [System and Method for Cross-Environment Interaction in a Computerized Graphical Interface Environment (title)] **of allocating shared resources** [the shared resources includes the displaying screen (figure 3 shows that two windows (30 and 35) associated two different applications are sharing the same display screen (26) of the computer system) and CPU time (this, in turn, will cause the system to increase CPU utilization of task 1 relative to task 2, column 7, lines 41-42)] **between applications with media information on a resource limited platform** [the X Window System environment permits execution of applications in the context of various windows (column 1, lines 63-64); A system and method for

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automatically adjusting priority assigned to execution of applications, tasks, or workspaces (abstract); figure 3 shows that two windows (30 and 35) associated two different applications are sharing the same display screen (26) of the computer system; When a given application such as X application 24 goes into and out of "focus", this may be visually represented by an associated window such as window 30 in display 26, by means of the border of the window changing color, and the window associated with the particular application coming to the top or being placed lower in the stacking order, respectively (column 5, lines 58-64)], **characterized in that the method comprises the following steps:**

**identifying an application with a current focus of a user** [In response to this user input, detected by the X Server 28, the X Server will communicate this input to the Window Manager 22, thereby indicating that window 35 has gained focus (column 7, lines 53-56)];

**setting or increasing the output quality of the application with the current focus of the user** [it will be recalled that an additional feature of the invention is to provide for additional CPU 10 utilization for the task, application, or suite of applications associated with that "focused" window (column 5, line 67 to column 6, line 3); The amount of CPU resource then directed to the particular application as a result of the priority alteration is thereby in turn altered. In this manner, a focused application is dynamically provided with more CPU resource relative to remaining tasks, applications, or suites thereof associated with a workspace executing in the multitasking environment (column 4, lines 17-23); When a given application such as X application

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24 goes into and out of "focus", this may be visually represented by an associated window such as window 30 in display 26, by means of the border of the window changing color, and the window associated with the particular application coming to the top or being placed lower in the stacking order, respectively (column 5, lines 58-64)]; **automatically allocating a remaining part of the resources to at least one application without the current focus of the user** [Thus, the system in combination with the software steps represented in FIG. 4 will cause the appearance of a window associated with the task 1 to be changed and brought to the foreground, thereby signifying that the task 1 is focused. The system will then set the focus of task 1. This, in turn, will cause the system to increase CPU utilization of task 1 relative to that of task 2. Next, the system will alter the windowed appearance of the task 2 and move it to the background. Next, the system will clear focus of the previously selected task 2 and its corresponding window. CPU utilization for task 2 will then be decreased to that of task 1 prior to its selection (column 7, lines 36-47); hence, task 1 is in focus and task 2 is out of focus, but task2 is still allocated to certain amount of CPU time, and task 2 is also allocated to be displayed in the background of the screen].

As to claim 2, Kraft teaches **a method according to claim 1, characterized in that the step of identifying the application with the current focus of the user is selected from at least one of the group of: user controlled, system controlled, or externally controlled** [Kraft teaches that the current focus of the user is selected, at least, via user controller mechanism: It will first be assumed that a user input is typically provided by means of the keyboard 34 or mouse 36, reflecting that a particular

window and its associated task is of more interest or priority to the user. This is shown graphically in FIG. 3 by the arrow 33, indicating that a cursor of the mouse pointing device 36 for example, has been moved by a user into the window 35. This indicates that the end user desires to cause the window 35 to be "focused" into prominence both visually in the display 26 and in terms of the processing power allocated to tasks associated with this window 35 by the CPU 10 (column 6, lines 55-65); First it is assumed that the user has moved the pointing device, 51, whereby a window is either selected, 52, or deselected, 57. Assuming a window was selected, the window manager will then set focus (column 7, lines 12-15); In response to this user input, detected by the X Server 28, the X Server will communicate this input to the Window Manager 22, thereby indicating that window 35 has gained focus (column 7, lines 53-56)].

As to claim 3, Kraft teaches a **method according to claim 2, characterized in that the user controlled step of identifying the application with the current focus of the user, comprises one or more of the following steps:**

**selecting a new application as the application with the current focus of the user, when the new application is opened** [In an effort to address this deficiency regarding distributive applications, in yet an alternate implementation, newly built (e.g., non-legacy) applications may be linked to an Xt Intrinsics library capable of reprioritizing themselves as they leave or enter focus (column 9, lines 24-28)];

**changing the application with the current focus of the user to an application just switched to upon switching to an already opened application** [It will first be

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assumed that a user input is typically provided by means of the keyboard 34 or mouse 36, reflecting that a particular window and its associated task is of more interest or priority to the user. This is shown graphically in FIG. 3 by the arrow 33, indicating that a cursor of the mouse pointing device 36 for example, has been moved by a user into the window 35. This indicates that the end user desires to cause the window 35 to be "focused" into prominence both visually in the display 26 and in terms of the processing power allocated to tasks associated with this window 35 by the CPU 10 (column 6, lines 55-65)];

**when the user closes down an application with the current focus, switching to the application with the preceding focus of the user by keeping a record of the order of previously opened applications to indicate their importance in decreasing order, where the most recently opened application has the highest importance** [Thus, the system in combination with the software steps represented in FIG. 4 will cause the appearance of a window associated with the task 1 to be changed and brought to the foreground, thereby signifying that the task 1 is focused. The system will then set the focus of task 1. This, in turn, will cause the system to increase CPU utilization of task 1 relative to that of task 2. Next, the system will alter the windowed appearance of the task 2 and move it to the background. Next, the system will clear focus of the previously selected task 2 and its corresponding window. CPU utilization for task 2 will then be decreased to that of task 1 prior to its selection (column 7, lines 36-47); When a given application such as X application 24 goes into and out of "focus", this may be visually represented by an associated window such as



window 30 in display 26, by means of the border of the window changing color, and the window associated with the particular application coming to the top or being placed lower in the stacking order, respectively. In addition to this window manager 22 setting or clearing focus so as to cause the GUI window of the related application to come to the top of or being placed within the display stack 26 (column 5, lines 58-66)].

As to claim 4, Kraft teaches **a method according to claim 2, characterized in that the system controlled step of identifying the application with the current focus of the user, is performed by one of the following steps:**  
**an automatically changing of the current focus of the user according to a predetermined priority hierarchy of the available applications** [A system and method are provided for automatically adjusting priority assigned to execution of applications, tasks, or workspaces to thereby improve performance relative to other such applications, tasks or workspaces in a computerized multitasking graphical user interface environment (column 3, lines 61-66); The amount of CPU resource then directed to the particular application as a result of the priority alteration is thereby in turn altered. In this manner, a focused application is dynamically provided with more CPU resource relative to remaining tasks, applications, or suites thereof associated with a workspace executing in the multitasking environment (column 4, lines 17-23)];  
**keeping a record of the order of previously opened applications to indicate their importance in decreasing order, where the most recently opened application has the highest importance and, switching to the application with the preceding focus of the user when the user closes down an application with the current**

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**focus** [the record includes display stack (figure 3, 26) and window stacks; When a given application such as X application 24 goes into and out of "focus", this may be visually represented by an associated window such as window 30 in display 26, by means of the border of the window changing color, and the window associated with the particular application coming to the top or being placed lower in the stacking order, respectively. In addition to this window manager 22 setting or clearing focus so as to cause the GUI window of the related application to come to the top of or being placed within the display stack 26 (column 5, lines 58-66); Thus, the system in combination with the software steps represented in FIG. 4 will cause the appearance of a window associated with the task 1 to be changed and brought to the foreground, thereby signifying that the task 1 is focused. The system will then set the focus of task 1. This, in turn, will cause the system to increase CPU utilization of task 1 relative to that of task 2. Next, the system will alter the windowed appearance of the task 2 and move it to the background. Next, the system will clear focus of the previously selected task 2 and its corresponding window. CPU utilization for task 2 will then be decreased to that of task 1 prior to its selection (column 7, lines 36-47)].

As to claim 6, Kraft teaches **a method according to claim 1, characterized in that the step of setting or increasing the output quality of the application with current focus of the user is performed automatically by means of automatic settings of the overall system control and with no additional input from the user** [A system and method are provided for automatically adjusting priority assigned to execution of applications, tasks, or workspaces to thereby improve performance

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relative to other such applications, tasks or workspaces in a computerized multitasking graphical user interface environment (column 3, lines 61-66); The amount of CPU resource then directed to the particular application as a result of the priority alteration is thereby in turn altered. In this manner, a focused application is dynamically provided with more CPU resource relative to remaining tasks, applications, or suites thereof associated with a workspace executing in the multitasking environment (column 4, lines 17-23); When a given application such as X application 24 goes into and out of "focus", this may be visually represented by an associated window such as window 30 in display 26, by means of the border of the window changing color, and the window associated with the particular application coming to the top or being placed lower in the stacking order, respectively (column 5, lines 58-64)].

As to claim 9, it recites substantially the same limitations as in claim 1, and is rejected for the same reasons set forth in the analysis of claim 1. Refer to "As to claim 1" presented earlier in this Office Action for details.

As to claim 10, it recites substantially the same limitations as in claim 2, and is rejected for the same reasons set forth in the analysis of claim 2. Refer to "As to claim 2" presented earlier in this Office Action for details.

As to claim 11, it recites substantially the same limitations as in claim 3, and is rejected for the same reasons set forth in the analysis of claim 3. Refer to "As to claim 3" presented earlier in this Office Action for details.

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As to claim 12, it recites substantially the same limitations as in claim 4, and is rejected for the same reasons set forth in the analysis of claim 4. Refer to "As to claim 4" presented earlier in this Office Action for details.

As to claim 14, it recites substantially the same limitations as in claim 6, and is rejected for the same reasons set forth in the analysis of claim 6. Refer to "As to claim 6" presented earlier in this Office Action for details.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft, IV et al. (US 6,091,414, hereinafter referred to as Kraft), in view of Rodriguez et al. (US 7,200,857, hereinafter referred to as Rodriguez).

As to claim 5, Kraft teaches **a method according to claim 2** [refer to "As to claim 2"], but does not teach that **a provider of the media information performs the externally controlled step of identifying the application with the current focus of the user.**

However, Rodriguez teaches in the invention "Synchronized Video-On-Demand Supplemental Commentary" a scheme for allowing multiple applications/windows to share display screen [The window manager 59 provides a mechanism for

implementing the sharing of the screen regions and user input (column 5, lines 28-30)], which is very similar to the invention disclosed by Kraft.

Specifically, Rodriguez teaches **a provider of the media information performs the externally controlled step of identifying the application with the current focus of the user** [Advertisement pop-ups are optional supplements that enable the user to receive product information during the on-demand video presentation in exchange for a lower rental fee. The advertisements may be specific to products inherent during the course of the on-demand movie such as a watch worn by a leading actor. Furthermore, the advertisement supplement's active time interval may be concurrent to the time in the movie that the leading actor reads the time on the watch (column 10, lines 12-20); note that Advertisement pop-ups are externally controlled and provided by a media provider].

Rodriguez also teaches that the motivation of allowing a provider of the media information performs the externally controlled step of identifying the application with the current focus of the user is to give users the option of saving [Advertisement pop-ups are optional supplements that enable the user to receive product information during the on-demand video presentation in exchange for a lower rental fee (column 10, lines 12-15)].

Therefore, it would have been obvious for one of ordinary skills in the art at the time of Applicants' invention to allow a provider of the media information performs the externally controlled step of identifying the application with the current focus of the

user, as demonstrated by Rodriguez, and to incorporate it into the existing scheme disclosed by Kraft, in order to give users more options and more satisfaction.

As to claim 13, it recites substantially the same limitations as in claim 5, and is rejected for the same reasons set forth in the analysis of claim 5. Refer to "As to claim 5" presented earlier in this Office Action for details.

7. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft, IV et al. (US 6,091,414, hereinafter referred to as Kraft), in view of Smith (US 5,751,283).

As to claim 7, Kraft teaches a **method according to claim 1** [refer to "As to claim 1"], **but does not teach that in the step of decreasing or increasing the output quality of the application with the current focus of the user is performed manually by user interaction by means of a user interface.**

However, Smith teaches in the invention "Resizing a Window and an Object on a Display Screen" a scheme for allowing users to manually and interactively adjust the size of an object/window displayed on a screen [figures 8 and 9 show the menus allowing users to adjust (increase or decrease) the size and movements of an object/window displayed on a screen; Resizing a window in which objects appear can affect the way in objects are displayed on the screen in the resized window, based upon parameters that have previously been selected. As will be described in further detail below, the SYMMETRY program provides several options for setting the sizing behavior of objects on a page of a multimedia work. These options determine how each object will appear if the user changes the size of the window. To access the

properties, an author selects an option entitled "Object Initialization Properties" from the menu in the SYMMETRY program. In response, a dialog box (not shown) is displayed, enabling the author to select sizing properties for an object (column 6, lines 9-21)]. Note that Smith's invention is similar to the invention disclosed by Kraft on the subject of matter of display windows/applications in a shared screen.

Smith also teaches that the motivation of allowing users to manually and interactively adjust the size of an object/window displayed on a screen is because this is a standard feature of a Graphic User Interface (GUI) [Sizing buttons are also typically provided in a window on a GUI operating system to enable a user to quickly change the size of a window so that it occupies either the entire screen or a predefined, typically smaller, portion of the screen (column 1, lines 25-29)].

Therefore, it would have been obvious for one of ordinary skills in the art at the time of Applicants' invention to allow users to manually and interactively adjust the size of an object/window displayed on a screen, as demonstrated by Smith, and to incorporate it into the existing scheme disclosed by Kraft, in order to provide customized display according to user's preference.

As to claim 15, it recites substantially the same limitations as in claim 7, and is rejected for the same reasons set forth in the analysis of claim 7. Refer to "As to claim 7" presented earlier in this Office Action for details.

8. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft, IV et al. (US 6,091,414, hereinafter referred to as Kraft), in view of Bier (US 5,561,811).

As to claim 8, Kraft teaches a **method according to claim 6** [refer to “As to claim 6”], but does not teach that **the automatic settings of the overall system control is influenced by a learning function, which takes previous user settings of the past into account.**

However, Bier teaches in the invention “Method and Apparatus for Per-User Customization of Applications Shared by a Plurality of Users on a Single Display” a scheme for allowing multiple users/applications to share display screen [A multi-user multi-device system enables a plurality of users to control a single screen. Each user has one or more input devices, which can be used to control one or more stored applications. At any time, the system produces a consistent view of all applications on the single screen (abstract)], which is very similar to the invention disclosed by Kraft.

Specifically, Bier teaches **the automatic settings of the overall system control is influenced by a learning function, which takes previous user settings of the past into account** [Each user can have different style settings. For example, when one user types, the new text appears in his or her chosen color or font. Another user can create text in a different font or color (column 3, lines 8-12); when a user clicks a pointing device, D, on a Home Area, H, the following steps are performed: 1. The User Instance Record, U, of the Home Area is examined (block 150). 2. The pointing device, D, is looked up in the Device To User Instance table to determine if there is a previous owner of D (Block 151). 3. If there is a previous owner, and the previous owner is not user instance U, then remove D from the device list of the previous owner in the User To Device Instance table and the Device To User Instance table (block



152) ... (column 9, lines 53, to column 10, line 10); When an application receives a user event, it looks in the application-specific fields of its User Instance State record for that user to discover his or her current modes and preferences (column 11, lines 20-24); When an application, A, receives an input event, it uses the Application Record and the User Instance to determine if it should queue and execute the event, or whether a child application should receive the input event, in accordance with an algorithm: ... (column 12, lines 36-65)].

Bier also teaches that the motivation of having a learning function to take previous user setting into account when performing automatic setting is to provide customized display according to user's preference [The input from each user produces a response customized to the preferences of that user (abstract); Customized simultaneous input. In a system where a plurality of users may invoke the same command in the same application by taking comparable actions using comparable, but distinct, input devices, it must be possible to vary the effect of that command depending on the preferences of the user who generated it (column 2, lines 28-33)].

Therefore, it would have been obvious for one of ordinary skills in the art at the time of Applicants' invention to have a learning function to take previous user setting into account when performing automatic setting is to provide customized display according to user's preference, as demonstrated by Bier, and to incorporate it into the existing scheme disclosed by Kraft, in order to provide customized display according to user's preference.

As to claim 16, it recites substantially the same limitations as in claim 8, and is rejected for the same reasons set forth in the analysis of claim 8. Refer to "As to claim 8" presented earlier in this Office Action for details.

**9.                                      *Related Prior Art***

The following list of prior art is considered to be pertinent to applicant's invention, but not relied upon for claim analysis conducted above.

- Wright, (US 6,204,847), "Shared Virtual Desktop Collaboratively Application System."
- Dubrow et al., (US 6,570,590), "Application Sharing in a Frame."
- Brenner et al., (US 6,584,488), "Controlling Allocation of System Resources with an Enhanced Priority Calculation."
- Rolia, (US Patent Application Publication 2003/0093527), "Method and System for Exploiting Service Level Objectives to Enable Resource Sharing in a Communication Network Having a Plurality of Application Environments ."

***Conclusion***

**10.**     Claims 1-16 are rejected as explained above.

**11.**     Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheng-Jen Tsai whose telephone number is 571-272-4244. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheng-Jen Tsai  
Examiner  
Art Unit 2186

November 16, 2007

*Sheng-Jen Tsai*